

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-246
November 13, 2007

SUBJECT: Re-Establishment - State Advisory Panel on Special Education for the
District of Columbia

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2) (2006 Repl.), and pursuant to the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §§ 1400 *et seq.* ("IDEA"), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is re-established a State Advisory Panel on Special Education for the District of Columbia (hereinafter referred to as the "Advisory Panel").

II. PURPOSE

The Advisory Panel shall serve as an advisory body to the Mayor, the District of Columbia Department of Education, and the District of Columbia Office of the State Superintendent of Education, in its capacity as the State Education Agency (SEA) on matters pertaining to the education of children and youth with disabilities served by public and private agencies of the District of Columbia.

III. FUNCTIONS

The functions of the Advisory Panel shall include:

- a. Advising on unmet needs within the District of Columbia in the education of children with disabilities.
- b. Reviewing and commenting publicly on any legislation, rules, or regulations proposed in the District of Columbia on the education of children with disabilities.
- c. Advising on developing evaluations and reporting on data to the United States Department of Education (Secretary) in the implementation of IDEA (under section 618 of the Act).
- d. Providing advice in developing corrective action plans to address findings identified in federal monitoring reports under Part B of IDEA.

- e. Advising on the development and implementation of proposed legislation, rules, regulations, policies and procedures relating to the coordination of services for children with disabilities, including advising on eligible students with disabilities in adult prisons.
- f. Advising on the education of eligible students with disabilities who have been convicted as adults and incarcerated in adult prisons, even if, consistent with 34 CFR, Sec, 300.607, the District assigns general supervision responsibility for those students to a public agency other than an SEA.
- g. Providing advice on systemic and other issues affecting the coordination and delivery of special education and related services to children and youth with disabilities.
- h. Reviewing and commenting publicly on the State Annual Program Plan.
- i. Undertaking any other duties as may be assigned by the Mayor, the State Education Officer, or as required by federal law.
- j. Preparing an annual report of its activities and recommendations on or by July 1 of each calendar year, and submitting it to the Mayor, the District of Columbia Department of Education, the Office of the State Superintendent of Education (as the SEA), other appropriate District government officials, and the public.

IV. COMPOSITION

- a. The Advisory Panel shall consist of at least twenty-one (21) voting members who are appointed by the Mayor.
- b. The members appointed to the Committee shall have demonstrated interests in issues affecting special education, or the coordination and delivery of special education and related services to children and youth with disabilities (ages birth through 26).
- c. A majority of the members shall be individuals with disabilities, or parents of children and youth with disabilities.
- d. The members appointed by the Mayor to the Committee shall include:
 - 1. Parents, or guardians, of children with disabilities (ages birth through 26) who reside in the District of Columbia;
 - 2. Individuals with disabilities who reside in the District of Columbia;
 - 3. Teachers who reside in the District of Columbia;
 - 4. Representatives of institutions of higher education that prepare special education and related services personnel;

5. District of Columbia education officials; including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, (42 U.S.C 11431 *et seq.*);
6. Administrators of programs for children with disabilities;
7. Representatives of District of Columbia government agencies involved with financing or delivery of services to persons with disabilities;
8. Representatives of public, public charter and private schools;
9. Not less than one representative of a vocational, community, or business organization in the District of Columbia concerned with the provision of transition services to children with disabilities;
10. A Representative from the state child welfare agency responsible for foster care; and;
11. Representatives of District of Columbia juvenile and adult corrections agencies.

V. **TERMS**

- a. The Mayor shall appoint non-governmental members of the Advisory Panel to one (1) year, or two (2) year, term.
- b. On the date of initial appointment of the Advisory Panel, one-half of the non-governmental members shall be appointed to one (1) year terms and one-half of the non-governmental members shall be appointed to two (2) year terms
- c. A person may be appointed as a member of the Advisory Panel to fill the unexpired term of a member who resigns, or vacates the position for which the member is initially appointed, or whenever a vacancy occurs, among the initially appointed members of the Advisory Panel.
- d. The government members appointed shall serve at the pleasure of the Mayor.
- e. A member may continue to serve in an expired term until a replacement is appointed.

VI. **COMPENSATION**

Members of the Advisory Panel shall serve without compensation, except that a member may be reimbursed for expenses incurred in the authorized execution of official Advisory Panel duties, if authorized in advance by the Office of the State Superintendent of Education, or designee, and as supported by budget appropriation and authority.

VII. ORGANIZATIONAL STRUCTURE

- a. The Mayor shall designate one member of the Advisory Panel to serve as Chairman of the Advisory Panel and one member to serve as Vice-Chairman who shall serve in those capacities at the pleasure of the Mayor.
- b. The Advisory Panel may establish subcommittees as needed. Subcommittees may include persons who are not members of the Advisory Panel, provided that each subcommittee is chaired by a member of the Advisory Panel.
- c. The Advisory Panel may establish its own bylaws and rules of procedure, subject to review and approval by the Office of Boards and Commissions and the Office of the State Superintendent of Education.
- d. The Advisory Panel shall maintain a prudent Management Information System whereby all records shall be maintained in space designated and provided by the Office of the State Superintendent of Education. Records shall be made available to the public in an accessible and readable format.
- e. The Advisory Panel shall establish a quarterly meeting schedule, and shall convene at least four (4) meetings each calendar year.
- f. The Advisory Panel shall maintain an audio recording and written minutes of all public meetings of the Advisory Panel.
- g. The Advisory Panel shall publicly announce all regularly scheduled meetings on the website prior to the meeting, along with the meeting agenda.
- h. The Advisory Panel shall make open to the public all regularly scheduled meetings.
- i. The Advisory Panel shall make accommodations, including interpreters and other necessary services, available for panel members, participants or persons with disabilities upon request.

VIII. ADMINISTRATION

- a. The Office of the State Superintendent of Education shall provide administrative, technical support and coordination assistance, including designated office space, to the Advisory Panel as needed and as determined by the State Superintendent of Education, and as supported by budget appropriation and authority.
- b. The Advisory Panel, through the Office of the State Superintendent of Education, and in accordance with applicable District of Columbia laws, rules and procedures, may accept resources provided from public or private organizations to execute and coordinate the activities and functions of the Advisory Panel.
- c. The Advisory Panel may utilize District government public space to sponsor, or hold, meetings in accordance with District of Columbia law and regulations.

IX. SUNSET

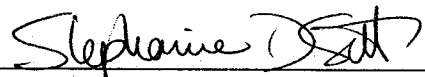
The Advisory Panel shall sunset on November 30, 2010.

X. RESCISSION

This Order supersedes Mayor's Order 2004-187, dated November 16, 2004 in its entirety.

XI. EFFECTIVE DATE: This Order shall become effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM

TO: Bonnie J. Cain
Special Assistant to the Deputy Mayor for Education
Office of the Deputy Mayor for Education

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: November 7, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order to Re-Establish the
State Advisory Panel on Special Education for the District of
Columbia
(AM-07-751)

This responds to your November 5, 2007 e-mail by which you transmitted the above-referenced draft Mayor's Order (Order) to this Office for a legal sufficiency review.

The Order will re-establish the State Advisory Panel on Special Education for the District of Columbia, pursuant to section 422 (2) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, D.C. Official Code § 1-204.22 (2) (2007 Supp.), and the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), approved December 3, 2004, Pub. L. 108-446, 20 U.S.C. § 1400 *et seq.*

The Order has been reviewed and formatted by the Office of Documents and Administrative Issuances (ODAI) for technical compliance and by this Office for legal sufficiency. The attached Order reflects additional revisions, suggested by this Office, for legal sufficiency. Also, I am not aware of any entitlement of students to special education under IDEA beyond age 21, except for compensatory education for pre-21 denials of a free and appropriate public education ("FAPE"). However, Part IV of the draft Mayor's Order references "ages birth through 26." Please revisit the reference to age 26 to determine whether it should instead reference age 21. With these suggested revisions, the Order will be legally sufficient.

You will receive an electronic mark-up of the Order by e-mail. Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg

Attachment